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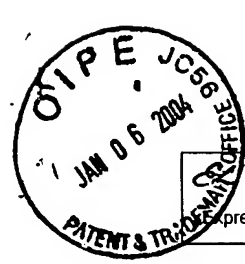
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LeBeck

Docket No.: 09634/000L268-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8

In re Patent Application of:
Shinichi Tsumori, et al.

Application No.: 10/024,320

Confirmation No.: 6688

Filed: December 18, 2001

Art Unit: 2661

For: IP PACKET TRANSMISSION APPARATUS,
IP PACKET TRANSMISSION METHOD,
AND RECORDING MEDIUM HOLDING
PROGRAM FOR SAME

Examiner: Not Yet Assigned

**REQUEST UNDER 37 C.F.R. §1.181 TO WITHDRAW THE HOLDING
OF ABANDONMENT OF THE ABOVE-REFERENCED APPLICATION**

MS Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

Dear Sir:

Responsive to the Notice of Abandonment mailed November 17, 2003, Applicants respectfully assert that for the following reasons, the withdrawal of the holding of abandonment is in order.

Applicants in the above-identified patent application have received a Notice of Abandonment, dated December 10, 2003, copy enclosed as Exhibit A, advising that the application is abandoned due to Applicants' failure to timely respond to the Notice To File Missing Parts (the "Notice") mailed January 24, 2002.

For the reasons set forth below, Applicants believe that the Notice of Abandonment is in error or due to actions by the USPTO and should be withdrawn.

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OFFICE OF PETITIONS

Docket No.: 09634/000L268-US0

In the alternative, abandonment of the application was unavoidable under 37 C.F.R. § 1.137(a). If deemed necessary, the Commissioner is authorized to charge the fee under Rule 1.17(l) for the Petition to Revive to Deposit Account No. 04-0100.

It is believed that the evidence submitted herewith is an adequate showing that the Notice of Abandonment should be withdrawn or that abandonment of the application was unavoidable. However, if the Commissioner does not agree, in the alternative, abandonment was unintentional. The abandonment of the application and the entire delay from the due date of the reply until the filing of this petition pursuant to 37 C.F.R. §1.137(b) was UNINTENTIONAL. If deemed necessary, the Commissioner is authorized to charge the fee under Rule 1.17(m) for the Petition to Revive to Deposit Account No. 04-0100.

STATEMENT OF THE RELEVANT FACTS

The present application was filed by the Applicants' previous attorney, The Morrison Law Firm ("MLF") on December 18, 2001. MLF received the Notice, mailed January 24, 2002, and the due date for a response, without fee, was March 24, 2002. MLF responded to the Notice on March 11, 2002. Enclosed herewith, as Exhibit B, is a copy of the Response to the Notice to File Missing Parts, the signed Declaration, a copy of the Notice and a copy of the check submitted by MLF for the full amount of the fee due (the "Response"). The Response was filed with a return postcard and the postcard was stamped as received by the Office of Initial Patent Examination (OPIE) on March 19, 2002 and returned to MLF. A copy of the stamped postcard is attached herewith as Exhibit C.

CONCLUSION


Applicants respectfully submit that the Response to the Notice was complete and was timely filed on March 19, 2002. The USPTO acknowledged receipt of the Response within the statutory time period for response and the stamped postcard is submitted as proof herewith. Applicants submit that the Response was misplaced or mishandled by the USPTO and respectfully submit that no petition fee is due and request that the holding of abandonment be withdrawn.

Applicants cannot verify if the check transmitted with the Response and paying the required fees was deposited by the USPTO. If the USPTO determines that the fee was not paid, the Commissioner is authorized to charge the fee to Deposit Account No. 04-0100.

Further, the Applicants submitted an Information Disclosure Statement concurrently with the Response. The IDS and copies of the references are submitted herewith for consideration by the Examiner.

Dated: January 6, 2004

Respectfully submitted,

By 

Louis J. DelJude

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

09634/000 L268450

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/024,320	12/18/2001	Shinichi Tsumori	M2047-35

7278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

CONFIRMATION NO. 6688

ABANDONMENT/TERMINATION
LETTER

OC000000011454955

Date Mailed: 12/10/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/24/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/024,320	12/18/2001	Shinichi Tsumori	M2047-35

CONFIRMATION NO. 6688

ABANDONMENT/TERMINATION
LETTER

OC000000011454955

7278

DARBY & DARBY P.C.

P. O. BOX 5257

NEW YORK, NY 10150-5257

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*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

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OFFICE OF PETITIONS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Shinichi TSUMORI et al.
Serial No. : 10/024,320
File Date : December 18, 2001
Title : IP PACKET TRANSMISSION APPARATUS, IP PACKET
TRANSMISSION METHOD, AND RECORDING MEDIUM HOLDING
PROGRAM FOR SAME
Art Unit : 2661 Examiner:
Docket No. : M2047-35

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Hon. Commissioner for Patents, Box: Missing Parts, Washington D.C. 20231 on:

Date : *March 11, 2002*
By : Inga Hildreth
Signature : *Inga Hildreth*

Hon. Commissioner for Patents
Box: Missing Parts
Washington, D.C. 20231

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Technology Center 2600

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application dated January 24, 2002, enclosed herewith please find the following:

- * Declaration and Power of Attorney;
- * IDS and Form PTO-1449 with one reference;
- * Copy of Notice to File Missing Parts of Nonprovisional Application;
- * Check for \$870 to cover the large entity filing fee (\$740) and late filed Declaration surcharge (\$130).

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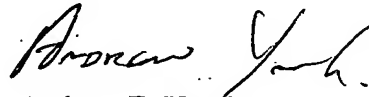
JAN 13 2004

OFFICE OF PETITIONS

Please charge any deficiencies or credit any overpayments to our Deposit Account No. 13-4550.

It is submitted that the enclosed documents satisfy all outstanding filing requirements in this application. A Filing Receipt is respectfully requested.

Respectfully Submitted,



Andrew F. Young

Reg. No. 44,001

Attorney for Applicant

MORRISON LAW FIRM
145 North Fifth Avenue
Mount Vernon, New York 10550
(914) 667-6755



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/024,320	12/18/2001	Shinichi Tsumori	M2047-35

CONFIRMATION NO. 6688

FORMALITIES LETTER



OC000000007357935

MORRISON LAW FIRM
145 North Fifth Avenue
Mt. Vernon, NY 10550

Date Mailed: 01/24/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 870.

A copy of this notice MUST be returned with the reply.

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

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MAR 25 2002

MORRISON LAW FIRM

Ser./Reg./Pat No. 10/024,320 File No. M2047-35 By U/H
Title/Mark IP Packet Transmission Apparatus
In the Matter of the Application of S. Tsumori, et al
the following, due 3/24/02 in the U.S. Patent and Trademark Office, was received
in the Patent and Trademark Office Mail Room on the date stamped hereon:

☐ Affidavit or ☐ Declaration
☒ Response to Office Action MIP
☐ Extension Request
☐ Application for Patent Including:
 pp. Specification, Claims (Indep.)
☒ Declaration or ☐ Oath ☐ Abstract
☐ Application for Registration/Renewal Including
 Specimens/Facsimiles ☐ ITU
☐ Assignment and Form PTO-1595
☐ Small Entity Declaration
☒ Check No. 22983 For \$ 870.
☒ Deposit Account Authorization
Mailed: 3/11/02

☐ Drawings _____ Sheet(s) including
 Figs. ☐ Formal ☐ Informal
☐ Maintenance Fee
☐ Certificate of Mailing (Express)
☐ Power of Attorney
☒ IDS and Form PTO-1449 20/1 ref
☐ Priority Document(s)
☐ § 8 & 15 Declaration
☐ Transmittal
☒ Part 2 of Notice To File
MIP

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Ser./Reg./Pat No. 10/024,320 File No. M2047-35 By UM
 Title/Mark IP Packet Transmission Apparatus
 In the Matter of the Application of S. Tsumori, et al
 the following, due 3/24/02 in the U.S. Patent and Trademark Office, was received
 in the Patent and Trademark Office Mail Room on the date stamped hereon:

<input type="checkbox"/> Affidavit or <input type="checkbox"/> Declaration <input checked="" type="checkbox"/> Response to Office Action <u>MIP</u> <input type="checkbox"/> Extension Request <input type="checkbox"/> Application for Patent Including: pp. Specification, Claims (Indep.) <input checked="" type="checkbox"/> Declaration or <input type="checkbox"/> Oath <input type="checkbox"/> Abstract <input type="checkbox"/> Application for Registration/Renewal Including Specimens/Facsimiles <input type="checkbox"/> ITU <input type="checkbox"/> Assignment and Form PTO-1595 <input type="checkbox"/> Small Entity Declaration <input checked="" type="checkbox"/> Check No. <u>22913</u> For \$ <u>870.</u> — <input checked="" type="checkbox"/> Deposit Account Authorization Mailed: <u>3/11/02</u>	<input type="checkbox"/> Drawings _____ Sheet(s) including _____ Figs. <input type="checkbox"/> Formal <input type="checkbox"/> Informal <input type="checkbox"/> Maintenance Fee <input checked="" type="checkbox"/> Certificate of Mailing (Express) <input checked="" type="checkbox"/> Power of Attorney <input checked="" type="checkbox"/> IDS and Form PTO-1449 <u>w/1 ref</u> <input type="checkbox"/> Priority Document(s) <input type="checkbox"/> § 8 & 15 Declaration <input type="checkbox"/> Transmittal <input checked="" type="checkbox"/> <u>Part 2 of Notice To File</u> <input type="checkbox"/> <u>MIP</u> <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
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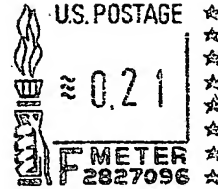
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\$870.00

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THOMAS R. MORRISON

 <p>THOMAS R. MORRISON 145 N FIFTH AVE MOUNT VERNON, NY 10550 ATTORNEY AT LAW</p>		<p>THE BANK OF NEW YORK FLEETWOOD, NEW YORK 10551 50-235/219</p>	
<p>*****EIGHT HUNDRED SEVENTY & 00/XX DOLLARS</p>		<p>DATE 2/25/02 AMOUNT \$870.00</p>	
<p>PAY TO THE ORDER OF COMMISSIONER OF PATENTS OF AND TRADEMARKS OF WASHINGTON DC 20231</p>		<p>Security Features Included: Details on Back</p>	
<p>10/02/320 1102248311 1:0214023521 10138711</p>		<p>AUTHORIZED SIGNATURE</p>	